

MINUTES
PROTECTION & WELFARE COMMITTEE
Wednesday, June 10, 2015
City Hall, Room 604
5:00 p.m.

MEMBERS PRESENT: Ald. Wery, Ald. Tim De Wane, Ald. Steuer, and Ald. Scannell
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Patrick Leigl—Asst. City Attorney, Capt. Knoebel, and other interested parties.

NOTE: ITEMS #15 AND #16 WERE TAKEN AFTER ITEM #3

1. Roll Call.

Ald. Wery, Ald. Tim De Wane, Ald. Steuer and Ald. Scannell were present.

2. Approval of the Agenda.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the agenda. Motion carried.

3. Approval of the minutes from the May 11, 2015 meeting.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the minutes from the May 11, 2015 meeting. Motion carried.

4. Application for one of six available “Class B” Combination Licenses by Leatherhead Brewing Company, LLC at 875 Lombardi Avenue.

There were no objections from the Green Bay Police Department (GBPD) or the City Attorney's Office.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the application for one of six available “Class B” Combination Licenses by Leatherhead Brewing Company, LLC at 875 Lombardi Avenue with the approval of the property authorities. Motion carried.

5. Application for a “Class B” Combination License by Live Entertainment, LLC at 420 N. Clay Street. (Currently Rumors, LLC)

There were no objections from the GBPD or the City Attorney's Office.

Ald. Wery opened the floor without objection.

Thomas Burke, 420 N. Clay Street, appeared and stated the GBPD didn't have any issues with his business plan.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the application for a "Class B" Combination License by Live Entertainment, LLC at 420 N. Clay Street with the approval of the proper authorities. (Currently Rumors, LLC) Motion carried.

6. Application for a "Class B" Combination License by Whiskey Bay, LLC at 636 Lime Kiln Road. (Currently JE Blacker, Corp.)

There were no objections from the GBPD or the City Attorney's Office.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the application for a "Class B" Combination License by Whiskey Bay, LLC at 636 Lime Kiln Road with the approval of the proper authorities. (Currently JE Blacker, Corp.) Motion carried.

7. Application for a "Class B" Combination License by Dora Sandoval at 1906 University Avenue. (Currently Norma Alcazar)

Atty. Leigl stated the City Attorney's Office objects due to the concerns that arose with the GBPD when Ms. Sandoval reported her intentions of operating this business with her sister Maria Sandoval.

Capt. Knoebel read from a report submitted by Community Officer Robert Matheny that Maria owned and operated a business called Cornitas Guanejuato from 2006 through 2009 that generated 26 calls for police assistance which involved disturbances, alcohol violations, noise complaints, welfare checks, four underage drinking citations, weapons, and property damage. The sisters operated businesses together at 1464 and 1906 University in which their liquor licenses were surrendered voluntarily or under duress due to numerous calls for police assistance. Officer Matheny believes these problems would continue if Ms. Sandoval is issued this license. Citations for liquor license violations have been issued and there is an ongoing drug investigation on them. Neighboring businesses have also expressed their concerns with issuing this license as there have been 17 calls for police assistance with the current owner since 2014, and issues with parking as well.

Capt. Knoebel stated the GBPD believe the calls for police service will increase at this location if Dora is granted this license and makes Maria the manager.

Atty. Leigl stated that given the past behaviors of the applicant and her sister the City Attorney's Office is going to recommend denial of the license.

Ald. Wery opened the floor without objection.

Dora Sandoval, 1906 University Avenue, appeared and stated she owned a business in Manitowoc and never worked with her sister, she only helped her out a couple of times. She moved to Green Bay 2012.

Atty. Leigl stated it was his understanding when Ms. Sandoval was reviewing her business plan she stated that her sister, Maria, would manage the business. Due to the liquor license violations Maria committed previously they want to deny this license.

Ms. Sandoval reported it will mainly be her husband and she working nights at the restaurant and her sister would just manage the business during the day. Atty. Leigl stated the restaurant would still serve alcohol during the day, and the City Attorney's Office is aware that Ms. Sandoval also has alcohol violations. Ms. Sandoval stated that Maria doesn't have to be her manager.

Ald. Tim DeWane inquired if the public would be at risk if this license is issued. Capt. Knoebel replied that it is the belief of the GBPD that calls for service would increase if this license is issued; time which could be better spent serving the public. Capt. Knoebel stated the GBPD takes into consideration the applicant's history when granting or denying a license. Ald. Tim De Wane stated that other business have had more calls than Maria and are still operating.

Ald. Steuer inquired if Ms. Sandoval ever worked with her sister Maria. Ms. Sandoval replied that she worked at Carnitas 2004 to 2009.

Ald. Nennig appeared and stated this address is in his district and he would like further review regarding this item before a decision is reached tonight.

Josh Cook, 231 S. Adams Street, appeared and stated he was retained to represent Ms. Sandoval. Atty. Cook stated that Ms. Sandoval's business plan stated she would provide security on the premises during peak hours and signed a stipulation to purchase an identification scanner in order to ensure she runs her business correctly. Atty. Cook stated that Ms. Sandoval wants to be proactive and work with the City and wasn't involved in her sister's business when it was having problems, and that Ms. Sandoval had a successful business in Manitowoc that never had any problems or calls. Atty. Cook stated Ms. Sandoval is unaware she's being investigated for drugs.

Ald. Scannell stated he would like to see more information about the time period the sisters worked together along with any information on the business Ms. Sandoval operated in Manitowoc before making a decision tonight. Ald. Steuer stated he would like to receive more information before the Council meeting if possible before he makes a decision to approve tonight. Ald. Wery concurred with Ald. Steuer.

Atty. Leigl inquired if Ms. Sandoval had any problems with her business in Manitowoc. Ms. Sandoval replied that she never had any problems there. Atty. Cook stated that on Ms. Sandoval's last night as the owner of the business an intoxicated underage individual entered the business and although the individuals weren't served at this establishment, the police were contacted and Ms. Sandoval was issued a citation. Since it was her last day operating that business she chose not to fight the citation in court.

Ald. Tim De Wane stated he was going to vote for approval as he doesn't understand how half of the calls made when Maria operated her business actually relate to the business.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to approve the application for a "Class B" Combination License by Dora Sandoval at 1906 University Avenue. (Currently Norma Alcazar). Ald. Steuer and Ald. Wery voted nay. Motion to grant failed for lack of majority, tied two-two, no recommendation.

8. Request by Lenny's Tap to hold outdoor events at 431 N. Broadway on June 28, August 2 and 16.

Atty. Leigl stated the City Attorney's Office doesn't object, however he has a few questions regarding security for the applicant.

Marty Leonhard, 431 N. Broadway, appeared and stated the events will be from 1 p.m. to 7 p.m., and since they've never had any past problems the area will not be fenced in and security will not be provided.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to approve the request by Lenny's Tap to hold outdoor events at 431 N. Broadway on June 28, August 2 and 16. The approval of the request is subject to complaint. Motion carried.

9. Request by Green Bay Sportservice, Inc. to hold an outdoor event at 1265 Lombardi Avenue on June 20.

There were no objections from the GBPD or the City Attorney's Office.

Ald. Wery opened the floor without objection.

Christian Vokracka, 1264 Lombardi Avenue, appeared and stated the area will be gated and security present. The event will be from 1:00 p.m. until 4:45 p.m. prior to the Kenny Chesney concert.

A motion was made by Ald. Scannell and seconded by Ald. Tim De Wane to approve the request by Green Bay Sportservice, Inc. to hold an outdoor event at 1265 Lombardi Avenue on June 20. The approval of the request is subject to complaint. Motion carried.

10. Renewal application for a "Class B" Combination License by Funky Monkey, LLC at 405 W. Walnut Street (postponed from the May 11 meeting).

Atty. Leigl stated that the City Attorney's Office has concerns when a business has not operated for 60 days and according to ordinance a business can have their license revoked if the license isn't being used. Atty. Leigl stated he would like to question the applicant why they haven't used the license since they were granted one in January.

Mary Vanden Boom, 2705 East Shore Drive, appeared and stated it was their understanding they had to be a full-fledged restaurant in order to serve alcohol. They started remodeling the business to include a restaurant which placed an extra financial burden on them, and weren't able to find anyone to partner with them and can no longer afford it on their own. The location also serves as a computer repair business and gift shop, but they couldn't place any more signage stating this on the building and decided to relocate this part of the business. Ms. Vanden Boom stated their intention is still to operate a restaurant at this location and are still looking for a business partner.

Atty. Leigl reported the City Attorney's Office doesn't want to deny Ms. Vanden Boom's license and at this time there are available "Class B" Combination licenses if other applicants were seeking one. Atty. Leigl also stated that if there weren't any of these licenses available and someone applied for one then Ms. Vanden Boom would run the risk of losing her license since it wasn't being used. Ms. Vanden Boom stated she understands this and it is their intention to be operating as a restaurant within three months.

Ald. Wery returned to regular order of business.

Ald. Steuer stated he is willing to allow Ms. Vanden Boom three more months, however if the business isn't in operation by then he would be willing to vote to revoke it.

A motion was made by Ald. Steuer and seconded by Ald. Scannell to approve the renewal application for a "Class B" Combination License by Funky Monkey, LLC at 405 W. Walnut Street (postponed from the May 11 meeting) with the approval of the proper authorities. Motion carried.

11. Renewal application for a "Class B" Combination License by Kathleen Broder at 1332 S. Broadway.

Atty. Leigl states the City Attorney's Office objects to the renewal of this license due to the numerous liquor violations and calls for service in the past year. Atty. Leigl stated that Ms. Broder is also significantly behind in her property taxes. Several years ago a signed stipulation was agreed to in which Ms. Broder would pay a certain amount of money every month for the delinquent property tax. Under our ordinance a renewal can be denied if property taxes haven't been paid. The City Attorney's Office recommends the Committee deny this license in order not to set precedence for other businesses that may fall behind in their taxes.

Capt. Knoebel stated the GBPD concurs with denial.

Ald. Wery opened the floor without objection.

Nobody appeared for this item.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to deny the renewal application for a "Class B" Combination License by Kathleen Broder at 1332 S. Broadway. Motion carried.

12. Applications for various "Class A" and Class "B" Licenses for the 2015-2016 License Year (see exhibit 12A).

There were no objections from the GBPD or the City Attorney's Office.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to approve the applications for various "Class A" and Class "B" Licenses for the 2015-2016 License Year (see exhibit 12A). Motion carried.

13. Appeal by Damodhar Shankar to a nuisance property bill at 2257 Imperial Lane.

Atty. Leigl stated after a qualifying amount of calls have been made against a property the GBPD can deem that property a chronic nuisance and start billing the owner for any further response from the police.

Capt. Knoebel read from a report prepared by Community Officer Van Erem who reported that Mr. Shankar purchased the property in 2005 and told Officer Van Erem repeatedly he doesn't want the property, he wants the City to purchase it from him but they can't agree on a price. In November 2014 the property was placed on the nuisance abatement plan for three qualifying calls including disturbances, drug arrests, and probation violations. On December 4, 2014, Mr. Shankar arrived at the GBPD and signed a nuisance abatement plan agreeing to fix the problems at this location. At that time the paperwork was explained to him and he was advised how reduce calls to his property and screen tenants. He was also informed he would be billed for any further calls, how to sign up to monitor calls that were coming in, and how to keep the property up to code. On January 16, 2015 Officer Van Erem responded to a fugitive warrant case, he arrested the individual and also found drugs in the apartment; both tenants were charged and Mr. Shankar was notified he would be billed \$873 for the call. This is the invoice he is appealing. When Ms. Shankar was asked what his abatement plans were he responded he didn't have any. On March 8, 2015 police arrested an individual on a disturbance call. On April 8, 2015, the Inspection Department was contacted regarding the excessive amount of garbage that was piling up outside the building and citations over \$1,000 were issued. As of today Mr. Shankar hasn't been charged for the other calls or citations the GBPD responded to after the January incident.

Officer Van Erem believes that Mr. Shankar has no intention of complying with the abatement plan since he doesn't inspect or maintain the building or monitor his tenants, and the property will remain on the chronic nuisance list until the situation improves. The tax payers will continue paying for the response of the GBPD to this property if the Committee approves Mr. Shankar's request.

Atty. Leigl stated the City Attorney's Office understands it may be difficult to be a landlord; however, if the landlord isn't taking responsibility for his property or tenants then it becomes the tax payers' problem.

Ald. Wery opened the floor without objection.

Damodhar Shankar, 2201 Rygar Court, De Pere, appeared and stated is happy to work with anybody and was surprised to see the charges. Mr. Shankar stated he has a handyman on the property and tries to work hard. He admitted he would like the City to purchase the property from him although it isn't currently on the market. Mr. Shankar stated he has started evictions against some of the tenants.

Ald. Steuer stated that Mr. Shankar needs to keep the property in compliance and manage his tenants in order to make the neighbors feel safe and if Mr. Shankar isn't doing that then he should pay these charges.

Atty. Leigl stated it isn't the City's intention to charge Mr. Shankar every time the police respond to calls; however, Mr. Shankar needs to bring the building into compliance. Capt. Knoebel stated that Mr. Shankar needs to abide by the abatement plan and keep in touch with Officer Van Erem.

Mr. Shankar stated not all the garbage belongs to his tenants sometimes people just drop off their garbage on the property.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to go into closed session. Ald. Scannell read the following:

"The Committee may convene in closed session pursuant to Sections 19.85(1) (d), Wis. Stats., for the purpose of considering specific applications of probation, extended supervision or parole, or considering strategy for crime detection or prevention. The Committee may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda."

A motion was made to return into open session.

Ald. Scannell stated Mr. Shankar needs to work with the GBPD to prevent further charges.

A motion was made by Ald. Tim De Wane and seconded by Ald. Steuer to deny the appeal by Damodhar Shankar to a nuisance property bill at 2257 Imperial Lane. Motion carried.

14. Appeal by Rachel Bartell to the denial of her Operator License application.

Atty. Leigl stated the City Attorney's Office recommends denial due to the fact the applicant has been convicted of two felonies, including two counts of narcotic drugs, and two misdemeanors of possessing prescription drugs and drug paraphernalia in 2014. Atty. Leigl reminded the Committee that according to State Law no license related to alcoholic beverages may be issued to any person

who has been convicted of a felony that substantially relates to the licensing activity; however, mitigating circumstances such as length of time since the conviction could be taken into consideration.

Ald. Wery opened the floor without objection.

Rachel Bartell, 1620 S Huron Rd #2, appeared and stated the charges were from two years ago, but she was convicted of them last year. Ms. Bartell stated she complied with the GBPD on everything they asked and she served a sentence. She is seeing an AODA counselor once a week, is currently on probation, and is going back to school. Ms. Bartell claimed she has become a different person. She needs the license in order to work as a bartender. Ms. Bartell distributed a letter from her AODA counselor.

Jeff (last name and address unintelligible) appeared and stated he hired Rachel to work at Anduzzi's East and it's a job requirement that employees need to have an operator license. Jeff stated he isn't her manager and doesn't work at the same premises as Rachel.

Ald. Steuer stated he has concerns granting approval because the felony is such a recent one, Ald. Scannell stated he agrees.

Atty. Leigl reminded the Committee that Ms. Bartell can still serve alcohol without a license; however she cannot bartend alone and a licensed operator must be present and working alongside of her at all times.

Scott Bartell, 1620 S Huron Rd #2, appeared and stated he is Rachel's brother and he is here to support her and confirmed that she needs the license to be employed. Mr. Bartell stated that Rachel has changed during the last year and hasn't made any more mistakes. She loves her job and has a good work ethic. She is progressing into a responsible adult in all areas of her life.

Brian Bartell, 1620 S Huron Rd #2, appeared and stated he is Rachel's father and opined that she deserves a second chance to become a wonderful citizen of Bellevue.

Ald. Wery returned to regular order of business.

Ald. Scannell stated he would love to give Ms. Bartell a second change but their hands are tied by State law and wished Ms. Bartell good luck. Ald. Steuer and Ald. Tim De Wane concurred.

Ald. Wery reopened the floor without objection.

Ms. Bartell inquired what the time frame would be if she was denied, Atty. Leigl replied she can reapply one year from the denial date; however mitigating circumstances doesn't have an actual time frame, it would be up to the Council to decide this. As an example, Ald. Scannell stated with mitigating circumstances they are looking at if the crime was committed ten or more years ago and there hasn't been any further crime committed. Atty. Leigl reiterated that at this time

Ms. Bartell doesn't need a license to work as a bartender, she just cannot work alone.

Ald. Wery returned to regular order of business.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to deny the appeal by Rachel Bartell to the denial of her Operator License application. Motion carried.

15. Request by Ald. Steuer, considering the Tavern League has spent much money nationally to ensure patrons have a safe ride home, that a placard/sticker be placed in the interior of said patron's vehicle so that tickets or other repercussive measures do not occur.

Ald. Steuer stated he had several conversations with tavern owners who would like to issue a placard to patrons who state they are too intoxicated to drive home which would give them the ability to leave their vehicle in the street without receiving a parking ticket. Ald. Steuer stated this would be a good proactive measure to prevent drunk driving. Ald. Wery stated this is an excellent idea.

Discussion that followed included putting an expiration date on the placard and charging a fee for one. The GBPD and the City Attorney's Office stated the intention is good but they have concerns about people abusing this and stated that a parking ticket won't deter people from driving while intoxicated.

Ald. Wery opened the floor without objection.

Marty Leonard, (address unintelligible), reported that the Tavern League gives individuals who request a safe ride a voucher with a date on it to place on your dashboard, but not everyone requests a safe ride home. A lot of people leave their cars behind in the parking lot and there's nothing the tavern owners do about it.

Ald. Wery returned to regular order of business.

Ald. Scannell stated there is a lot of logistics to work out and if people want to be responsible they should park in a place where they can legally leave their cars overnight in the first place.

Ald. Steuer stated he would like this looked into further before making a decision tonight.

A motion was made by Ald. Tim De Wane and seconded by Ald. Scannell to postpone until the next meeting the request by Ald. Steuer, considering the Tavern League has spent much money nationally to ensure patrons have a safe ride home, that a placard/sticker be placed in the interior of said patron's vehicle so that tickets or other repercussive measures do not occur. Motion carried.

16. Request by Staff to review with possible action the proposed ordinance 27.304(10) relating to prohibiting Drones at Public Events.

Atty. Leigl stated that drones are currently regulated by the Federal Aviation Administration (FAA) and the GBPD has requested the ability to enforce action to prevent drones within 400 feet of an event open to the public. The NFL currently prohibits drones at stadiums one hour prior to and following a game. Atty. Leigl stated he read an article that at a 4th of July event a firework hit a drone and fell back exploding towards the employees of the company blowing them off and now many cities prohibit drones during these events. Atty. Leigl stated that some cities in the country completely ban drones. Atty. Leigl stated he believes Green Bay is the first city to try to enact this type of ordinance.

Ald. Wery opened the floor without objection.

Bill Bongle, 4771 Michelle Drive, Suamico, appeared and stated he is here to provide the Committee with information regarding drones and the proposed ordinance. Mr. Bongle exhibited several drones and explained their applications, as well as the current state statute regarding the usage of drones. Mr. Bongle discussed the FAA's regulations regarding drones. Mr. Bongle suggested for public safety the Committee prohibit flights over special events as opposed to public events.

Chris Knight, De Pere, appeared and inquired if this passes what the fine amount would be if someone breaks the ordinance. Atty. Leigl stated the charge would be an \$880 forfeiture amount. Mr. Knight stated he doesn't agree an ordinance should be put in place unless something reckless happens, it would be too hard to judge the distance of 400 feet and there are too many public events that occur within the City.

Ald. Wery returned to regular order of business.

Discussion that followed included changing the wording in the document, providing permission from the City to fly a drone, and having a more in-depth discussion regarding this ordinance.

A motion was made by Ald. Scannell and seconded by Ald. Wery to refer back to the City Attorney's Office the request by Staff to review with possible action the proposed ordinance 27.304(10) relating to prohibiting Drones at Public Events. Motion carried.

17. Request by Staff to review, with possible action, the proposed ordinance relating to Mobile Food Establishments (food trucks) (postponed from the May 11 meeting).

Atty. Leigl distributed a copy of the ordinance and discussed the changes made since the last meeting along with the input he received from the Brown County Health Department and food service business owners.

Ald. Wery opened the floor without objection.

Tad Edges, (address unintelligible) appeared and stated he is interested in obtaining a food truck and inquired if he partnered up with a tavern and parks in their private lot could he serve food if a restaurant is located on the neighboring property. Atty. Leigl stated the food truck would have to be parked 150' from the public entrance of the restaurant, unless you can get permission from that restaurant; however, if the restaurant isn't in operation you then may park within 150'.

Alex Galt, 1426 S. Jackson Street, appeared and asked for clarification of the 150' rule. Atty. Leigl reiterated you can park in a private lot with the owner's permission; however, if there is a restaurant with a public entrance that is within 150' of your food truck you cannot serve food. The food truck must be more than 150' from that restaurant in order to serve food unless that restaurant is closed for business or grants permission to the food truck operator. Mr. Galt asked for stronger language in the ordinance when it comes to renewing the food truck license.

Jeff Mirkes, Downtown Green Bay Inc., appeared and stated that downtown businesses met with Atty. Leigl and several of the Aldermen to discuss this topic and that distance was one of the main issues. Discussion included exempting Broadway and Washington Streets from allowing food trucks; however, they felt comfortable changing the 50' distance to 150'. Other issues they discussed were how limited parking is in downtown Green Bay and that food trucks don't have pay real estate taxes like business owners do. Mr. Mirkes stated he has been approached by downtown businesses with private lots that indicated their interest in allowing food trucks on their property.

Ald. Wery returned to regular order of business.

Atty. Leigl distributed a map and stated he talked with City planners regarding the hours of food trucks and the decision for operation hours would be from 6 a.m. to 9 p.m.; however near Broadway and Washington Street the hours were extended to relate to bar times and they are allowed to stay open until 3:00 a.m. Food trucks cannot park in the street, they will have to abide by the parking regulations. Any food trucks that are not within the areas of Washington and Broadway can be cited if they are still serving food after 9:00 p.m.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to adopt the proposed ordinance relating to Mobile Food Establishments (food trucks) (postponed from the May 11 meeting). Motion carried, with Ald. Tim De Wane abstaining.

A motion was made by Ald. Scannell and seconded by Ald. Steuer to adjourn the meeting at 8:18 p.m. Motion carried.

For all licensing issues, the Committee may potentially convene in closed session pursuant to §19.85 (1)(b) and/or §19.85 (1)(f) Wisconsin Statutes, for the purpose of considering information with respect to licensing for a person. The applicant has the right to demand that the meeting be held in open session. The applicant may also request that the meeting be held in closed session. The Committee may, thereafter, reconvene in open session pursuant to §19.85(2) Wisconsin Statutes to report any actions taken during the closed session and to consider all other matters on the agenda.

If there are any questions regarding the agenda, please call Dawn, City Clerk's Office, at 448-3010.

ACCESSIBILITY: Any person wishing to attend who, because of a disability, requires special accommodation should contact the City Safety Manager at 448-3125 at least 48 hours before the scheduled meeting time so that arrangements can be made.

Please take notice that it is possible that additional members of the Council may attend this committee meeting resulting in a majority or quorum of the Common Council. This may constitute a meeting of the Common Council for purposes of discussion and information gathering relative to this agenda.

The audio tape and minutes of this meeting will be available at www.greenbaywi.gov